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**The Honorable Benjamin H. Settle**

*Attorneys for Defendants Bank of America,  
N.A.; Mortgage Electronic Registration  
Systems, Inc.; and Merscorp Holdings, Inc.*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JEREMY WOLFSON,

Case No. 3:17-cv-06064-BHS

Plaintiff,

**OBJECTION TO MOTION TO  
CONTINUE DEADLINES**

vs.

BANK OF AMERICA, NATIONAL  
ASSOCIATION, its successors in interest  
and/or Assigns; MTC FINANCIAL INC. d/b/a  
TRUSTEE CORPS; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS  
INC; MERSCORP HOLDINGS, INC.;  
MAROON HOLDING, LLC;  
INTERCONTINENTAL EXCHANGE, INC.;  
FIRST MAGNUS FINANCIAL  
CORPORATION, AN ARIZONA  
CORPORATION  
Does # 1-10, inclusive,

Defendants

Defendants Bank of America, N.A. ("BANA") and Mortgage Electronic Registration  
Systems, Inc. ("MERS" and collectively with BANA the "Defendants") object to the Plaintiff's  
Verified Motion to Continue Deadlines and Order Thereon (Docket No. 77, the "Motion") for

OBJECTION TO MOTION TO CONTINUE  
DEADLINES - 1

{S2005267; 1 }



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the reasons stated below.<sup>1</sup>

**1. There is No Cause for Relief from the Current Scheduling Order.**

The Motion seeks to continue all deadlines for 90 days, including extension of the deadline to complete discovery. The Plaintiff propounded discovery on March 30, 2020. The Court's current Scheduling Order provides that discovery must be completed by April 27, 2020. Docket No. 75. Notably, this Scheduling Order arose due to Mr. Wolfson's inability to comply with his own agreement for his deposition to occur on November 19, 2019. Docket No. 73.

Mr. Wolfson argues he needs an extension due to international travel required by his job. This argument is made despite that travel, especially international travel, has virtually ceased due to the COVID-19 global pandemic and that nonessential businesses in the State of Washington have been closed since March 16, 2020. Mr. Wolfson has not filed a declaration or affidavit providing sworn testimony regarding where he has been traveling, when he was traveling, or explaining why he was unable to propound discovery, conduct research or accomplish whatever other actions he believes he needs to take during the 27 months this case has been pending, or why whatever research or actions he wishes to take cannot be accomplished via the Internet. Without such sworn testimony there is no basis to grant any extension and the Motion should be denied.

**2. The Plaintiff has a History of Failing to Comply with Deadlines.**

Amongst other things, the Motion seeks to continue the deadline to complete discovery by ninety days, and notes that the Plaintiff recently propounded discovery on the Defendants. The discovery was propounded on March 30, 2020. The Plaintiff's discovery was untimely

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<sup>1</sup> For reasons unknown, the Motion appears on the undersigned's pleading paper. To be clear, this is not a joint motion and Mr. Wolfson was informed that the Defendants objected to the relief requested.



1 under the Court's current Scheduling Order (Docket No. 75). The Scheduling Order provides  
 2 that discovery must be completed by April 27, 2020. Notably, this Scheduling Order arose due  
 3 to Mr. Wolfson's inability to comply with his own agreement for his deposition to occur on  
 4 November 19, 2019. Docket No. 73.

5 LCR 7(j) provides that a motion for relief from a deadline should be filed "sufficiently in  
 6 advance of the deadline to allow the court to rule on the motion prior to the deadline. Parties  
 7 should not assume that the motion will be granted and must comply with the existing deadline  
 8 unless the court orders otherwise." Mr. Wolfson has repeatedly violated LCR 7(j) by failing to  
 9 seek extensions in a timely manner. *See* Docket Nos. 16, 18, 23, 30, 42, 43. The Court has  
 10 warned Mr. Wolfson that compliance with this deadline is mandatory. The Court's April 3,  
 11 2018 Order Granting Plaintiff's Motions and Renoting Defendants' Motions provided "the Court  
 12 agrees that Wolfson should have filed his motion earlier." Docket No. 21. The Court's August  
 13 30, 2018 Order Granting Plaintiff's Motions for Extension of Time to Respond provided  
 14 "Wolfson is forewarned that it is highly unlikely the Court will grant any additional extension."  
 15 Docket No. 46. Also, after allowing Mr. Wolfson to amend his complaint once, the Court  
 16 refused a Mr. Wolfson's second request in the face of motions to dismiss. Docket No. 52.

17 Despite having more than two years to propound this discovery Mr. Wolfson did not do  
 18 so until March 30, 2020. There is no basis to provide the Plaintiff more time to do something  
 19 that should have been months, if not years ago. The Motion should be denied.

### 20 **3. There is no Discovery Dispute.**

21 The Defendants have produced nearly 2,000 pages of documents. Nonetheless, Mr.  
 22 Wolfson asserts that the Defendants' discovery responses provided 12 months ago are  
 23 inadequate. However, he has not provided the Court with any specific reason why the  
 24



1 discovery responses are inadequate. Mr. Wolfson has not placed the discovery or the  
 2 Defendants' responses thereto in the record. There has been no conference between the parties.  
 3 There is no certification that any conference has taken place. There is no indication that he had  
 4 previously asserted that the Defendants' responses were somehow inadequate. The deadline to  
 5 file discovery motions expired on March 30, 2020. Docket No. 75. Furthermore, Mr. Wolfson  
 6 has not explained why he did not take any action during the last 12 months to address his  
 7 unsubstantiated assertions that the Defendants' discovery responses are inadequate. Rather than  
 8 providing a basis for extension of time, Mr. Wolfson's assertions regarding discovery provide a  
 9 reason to deny the Motion.  
 10

11 As stated above, this action was filed 27 months ago, and Mr. Wolfson has not prepared  
 12 his case. The Motion should be denied.  
 13

14 Respectfully submitted this 8th day of April, 2020.  
 15

16 WITHERSPOON • KELLEY

17 s/Daniel J. Gibbons

18 Daniel J. Gibbons, WSBA # 33036

19 Attorneys for Defendants Bank of America, N.A.,  
 20 Mortgage Electronic Registration Systems, Inc.; and  
 21 Merscorp Holdings, Inc.  
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 26  
 27  
 28



**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of April, 2020,

1. I caused to be electronically filed the foregoing OBJECTION TO MOTION TO CONTINUE DEADLINES with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**Fred B Burnside**

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**Douglas C Stastny**

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**Jeremy Wolfson**

jerwolfson@gmail.com

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed: **None.**

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None.**

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None.**

s/Daniel J. Gibbons

Daniel J. Gibbons, WSBA # 33036

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